

hours of 8:30 a.m. to 5 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Frits Wybenga, International Standards Coordinator, or Ann Boylan, Office of Hazardous Materials Standards, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, (202) 365-0656 or 365-4488.

**SUPPLEMENTARY INFORMATION:** On January 10, 1989, RSPA published a final rule in the Federal Register (54 FR 954) under Docket HM-184E. The final rule authorized, under certain conditions and with certain limitations, hazardous materials to be packaged, marked, labeled, classified, described and certified on shipping papers as provided in the 1989-1990 edition of the ICAO Technical Instructions, and to be offered, accepted and transported by aircraft within the United States and aboard aircraft of United States registry anywhere in air commerce. It was necessary that these amendments be published in order to provide consistency between the Hazardous Materials Regulations (HMR) and the ICAO Technical Instructions because the ICAO Technical Instructions have become the basic standard applied to the transport of hazardous materials by aircraft worldwide. A more detailed explanation of the reasons for this action was provided in an earlier notice of proposed rulemaking published under Docket No. HM-184 on August 2, 1982 (47 FR 33295). Since publication of the final rule under Docket No. HM-184E, ICAO has developed a number of amendments to the ICAO Technical Instructions. These amendments have been incorporated in the 1991-1992 edition of the ICAO Technical Instructions which will become effective on January 1, 1991. In order to facilitate the international transportation of hazardous materials by aircraft by insuring a basic consistency between the HMR and the ICAO Technical Instructions, RSPA believes it is necessary to amend certain provisions of the HMR to reflect changes introduced in the 1991-1992 edition of the ICAO Technical Instructions. The purpose of this rulemaking action is to propose these necessary amendments to the HMR.

The following changes are proposed to reflect changes incorporated in the 1991-1992 edition of the ICAO Technical Instructions.

**Section 171.7.** The reference to the 1989-1990 edition of the ICAO Technical Instructions in paragraph (d)(27) would be updated to reference to the 1991-1992 edition.

**Section 172.101.** In the § 172.101 Table, the proper shipping name, "Battery, electric storage, wet, with wheelchair" would be revised to read "Battery, electric storage, wet with wheelchair or other battery powered mobility aids." These words are added in order to permit battery powered mobility devices other than wheelchairs aboard aircraft.

**Section 175.10.** Several changes would be made to this section: In paragraph (a)(16), the words "not exceeding 70% alcohol by volume" would be added immediately following the words "Alcoholic beverages". This limit is added because alcoholic beverages with high alcohol content produce a flammable atmosphere at normal room temperatures. Permitting highly flammable liquids in the passenger compartment or in checked baggage would compromise safety. For consistency with the change proposed to the § 172.101 Table, in paragraphs (a)(19) and (a)(20) introductory text, the words "or other battery powered mobility aid" would be added following the word "wheelchair" and the words "or other powered mobility aids" would be added following the word "wheelchairs". In paragraph (a)(20)(iii), the reference to "Battery, wet, with wheelchair" would be revised to read "Battery, wet, with wheelchair or other battery powered mobility aid".

#### Administrative Notices

##### A. Executive Order 12291 and Administrative Notices

The RSPA has determined that this rulemaking: (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (40 U.S.C. § 321 *et seq.*). The proposals in this document reflect changes introduced in the 1991-1992 edition of the ICAO Technical Instructions. Their anticipated economic impacts are so minimal that preparation of a regulatory evaluation is not considered necessary. An earlier regulatory evaluation on implementation of the ICAO Technical Instructions was prepared for Docket HM-184. A copy of that regulatory evaluation is available for review in Docket HM-184F.

##### B. Executive Order 12612

This proposed action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined

that the proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. This proposal has no substantial direct impact of the States, on Federal-State relationship, or on the distribution of power and responsibilities among levels of government. Therefore, this proposed rulemaking contains no policies with Federalism implications as defined in Executive Order 12612.

#### C. Regulatory Flexibility Act

Based on limited information concerning the size and nature of entities likely to be affected by this proposed rule, I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

#### List of subjects

##### 49 CFR Part 171

Exports, Hazardous materials, transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

##### 49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

##### 49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR parts 171, 172 and 175 would be amended as follows:

#### PART 171—GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

1. The authority citation for part 171 would continue to read as follows:

Authority: 49 U.S.C. App. 1802, 1804, 1805, 1808; 49 CFR part 1.

2. In § 171.7, paragraph (d)(27) would be revised to read as follows:

§ 171.7 Matter incorporated by reference.

(d) . . .

(27) International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, DOC 8264-AN/905 (ICAO Technical Instructions), 1991-1992 edition.

---

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs  
Administration**

**49 CFR Parts 171, 172 and 175**

[Docket No. HM-184F; Notice No. 90-14]

RIN-2137-AB99

**Implementation of the International  
Civil Aviation Organization's Technical  
Instructions**

**AGENCY:** Research and Special Programs  
Administration (RSPA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) in order to permit the offering, acceptance and transportation by aircraft, and by motor vehicle incident to transportation by aircraft, of hazardous materials shipments conforming to the most recent edition of the International Civil Aviation Organization's Technical Instructions for the Safe Transportation of Dangerous Goods by Air (ICAO Technical Instructions). This amendment is necessary to facilitate the continued transport of hazardous materials in international commerce by aircraft when the 1991-1993 edition of the ICAO Technical Instructions becomes effective on January 1, 1991, pursuant to decisions taken by the ICAO Council regarding implementation of Annex 18 to the Convention on International Civil Aviation.

**DATES:** Comments must be received by December 7, 1990.

**ADDRESSES:** Address comments to the Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590-0001. Comments should identify the docket and be submitted, if possible, in five copies. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the docket number (i.e., Docket HM-184F). The Dockets Unit is located in room 6419 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590-0001. Telephone: (202) 368-5048. The public dockets may be reviewed between the

**PART 172—HAZARDOUS MATERIALS  
TABLES, HAZARDOUS MATERIALS,  
COMMUNICATIONS REQUIREMENTS  
AND EMERGENCY RESPONSE  
INFORMATION REQUIREMENTS**

3. The authority citation for part 172 would continue to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, and 1808; and 49 CFR part 1, unless otherwise noted.

**§ 172.101 (Amended)**

4. In § 172.101, Hazardous Materials Table, column (2), the proper shipping name "Battery, *electric storage*, wet, with wheelchair" would be revised to read "Battery, *electric storage*, wet, with wheelchair *or other* battery powered mobility aids".

**PART 175—CARRIAGE BY AIRCRAFT**

5. The authority citation for part 175 would continue to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, 1807, 1808; 49 CFR part 1.

**§ 175.10 (Amended)**

6. In § 175.10, the following changes would be made:

a. In paragraph (a)(16), the words "not exceeding 70% alcohol by volume" would be added immediately following the words "alcoholic beverages".

b. In paragraphs (a)(19), (a)(20) — introductory text, and (a)(20)(iii), each reference to "wheelchair" would be changed to read "wheelchair *or other* battery powered mobility aid" and each reference to "wheelchairs" would be changed to read "wheelchairs *or other* battery powered mobility aids".

Issued in Washington, DC, on October 30, 1990.

Alan I. Roberts,

Associate Administrator for Hazardous  
Materials Safety.

[FR Doc. 90-26259 Filed 11-6-90; 8:45 am]

BILLING CODE 4910-69-M